

CHAPTER 3  
PERSONNEL ADMINISTRATION

[Prior to 4/20/88, Regents, Board of[720]]

ORGANIZATION AND ADMINISTRATION

**681—3.1(19A) Creation and purpose.** The purpose of these rules is to give effect to the provisions of Iowa Code chapter 19A to establish an efficient, effective and uniform system of personnel administration for board of regents institutions and staff, to provide equal employment opportunity for all and career opportunities comparable to those in business and industry.

**681—3.2(19A) Covered employees.** All employees of the board of regents, except those exempted by the state merit employment Act, will be covered under the rules of this system. Employees hired into permanent positions one year or more prior to the date of implementation of these rules will be given permanent status and full rights hereunder. Employees hired less than one year prior to the date of implementation of these rules will be required to complete a probationary period in accordance with 3.90(19A). Service immediately prior to the date these rules are implemented will count as probationary time.

**681—3.3(19A) Administration.** Under authority of the board of regents and the supervision of its executive director, a merit system director will be appointed who will be responsible for the development, operation and evaluation of the system in compliance with the objectives and the intent of the state merit employment Act and regents merit rules. At each board of regents institution the head thereof will designate an administrator to serve as resident director of the system. The resident director will be responsible through the chief executive at the institution for conducting a program of personnel administration in accordance with these rules. The merit system director shall review the operation of the merit system at each of the institutions and will be responsible for the direction of the merit system and have the authority to ensure the uniform administration of the merit system under provision of these rules.

**3.3(1) Records and reports.** The resident directors will maintain an individual file on each employee that will include a record of all personnel transactions affecting that individual. The resident directors will also maintain records on operations conducted under these rules and will periodically as requested, and at least annually, report a summary of such operations to the merit system director, and in addition will prepare other reports as may be required by the merit system director to indicate compliance with applicable regents and state requirements and federal standards. The resident director will establish, in cooperation with employing departments, a program that will provide for the regular evaluation, at least annually, of the qualifications and performance of all employees.

**3.3(2) Nondiscrimination.** All programs and transactions administered under these rules will be conducted on the basis of merit and fitness without discrimination or favor because of political or religious opinions or affiliations or national origin, race, sex, creed, color, disability or age except as prescribed or permitted under state and federal law.

**3.3(3) Political activity.** No employees covered under this system will engage in any partisan political activity that is prohibited by law; employees will have the right to freely express their views as citizens and to cast their vote; coercion of employees for political purposes and the use of employees' positions for political purposes will be prohibited.

Those employees who are by law subject to the provisions of the federal Hatch Act will be informed of such provisions by the resident director at their institution and will be required to adhere thereto.

**3.3(4)** *Revisions and additions.* In accordance with the provisions of Iowa Code chapter 19A, these rules may be revised at any time. In addition, supplementary rules subject to Iowa Code chapter 17A, not inconsistent with these rules may be made applicable to any department, program or service, whenever such additional merit system provisions are required as a condition of eligibility for federal funds.

**3.3(5)** *Suspension of merit increases.* During any period of time when merit increases provided under these rules are temporarily suspended by legislative action, the rules providing for such increases shall be suspended for the duration of that legislative mandate. The merit system director shall provide for the administration of such suspension and shall ensure the maintenance of necessary information at each board of regents institution as would be necessary for reinstatement of such increases following the temporary suspension. Reinstatement of such increases shall be authorized by the board upon the recommendation of the merit system director and may include a delay in increases to promote equity among employees. Any such delay, however, cannot exceed one year and must be applied uniformly throughout the system to all employees with like seniority in the system, or in classification of position, or other specified categorization.

This rule is intended to implement Iowa Code section 262.9.

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**681—3.4 to 3.13** Reserved.

## DEFINITIONS

**681—3.14(19A) Definitions.**

*“Active service”* is a period of paid employment performing the duties of the position.

*“Advanced starting rate”* is a rate or step of the pay grade which is greater than the minimum rate (Step 1) of the pay grade for a specific class as provided for in the approved pay plan.

*“Base pay”* means the employee’s rate of pay exclusive of extra pay such as lead worker pay, pay for shift differential, pay for special assignment, on-call pay, call back pay, or any other incentive premium pay.

*“Certification”* is the determination, in accordance with the rules, by the resident director of the people from which an employing department may select to fill a vacancy.

*“Class”* or *“class of position”* means one or more positions, which are sufficiently similar in duties and responsibilities, that each position in the group can be given the same job title, require the same minimum qualifications as to education and experience, can be filled by substantially the same test of ability or fitness, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

*“Classification appeal”* is the act of contesting the classification or reclassification of a position as determined by the merit system director after a review of the duties and responsibilities of the position.

*“Classification review”* is the process initiated by a permanent employee or department head requesting review of the classification of the employee’s position.

*“Classify”* or *“allocate”* means to make the original assignment of a position to an appropriate class on the basis of the duties and responsibilities assigned and to be performed.

*“Days”* means working days unless designated otherwise.

*“Demotion”* means a change of an employee from a position in a given classification to a position in a classification having a lower pay grade. Demotion may be voluntary, involuntary, or result from a reclassification of a position.

*“Eligibility lists”* are lists of the names of qualified applicants who have passed the examination prescribed for a particular class of position.

*“Eligibility register”* consists of the names of the applicants on the appropriate eligibility list who received the highest six scores.

*“Examination”* is a test of fitness that is applied to determine the eligibility of an applicant for a class.

*“Grievance”* is a dispute or complaint concerning the interpretation or application of merit system or institutional rules governing terms of employment and working conditions.

*“Lateral transfer”* means a change from a position in one class to a different position in the same class in another department or institution, or to a position in a different class having the same last two-digit pay grade designation.

*“Maximum rate”* is the final step of the pay grade to which a classification is assigned. A “red-circled” rate is above the maximum.

*“Minimum rate”* is Step 1 of the pay grade to which a classification is assigned. It is less than an “Advanced starting rate.”

*“Pay grade”* or *“grade”* means the numerical designation of a pay schedule having a minimum and maximum with intermediate steps establishing rates of pay. The last two digits of a pay grade shall govern the level of a grade and determine whether a class is lower, higher, or the same as another class to determine a demotion, promotion or transfer.

*“Permanent employee”* is an employee who has completed the probationary period and thereby acquired permanent status in accordance with the rules of the system.

*“Position”* means a group of specific duties, tasks and responsibilities assigned to be performed by one employee. A position may be 12-month or less, full-time or part-time, temporary or permanent, occupied or vacant.

*“Probationary period”* is a work test period that is a part of the examination process following an original appointment. A subsequent probationary period is required for a promotion, voluntary demotion out of series, or lateral transfer out of class to determine an employee’s fitness for the position.

*“Promotion”* means a change in status of a permanent classified employee from a position in a classification to another position in a classification having a higher pay grade.

*“Rate of pay”* or *“rate”* means the dollar amount of salary or wage prescribed at each step of each pay grade in the approved pay plans (matrices).

*“Reclassify”* or *“reallocate”* means to make a reassignment or change in the allocation of a position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes in the kind or difficulty of the tasks, duties, and responsibilities in such position, or because of an amendment to the classification plan, and officially assigning to that position the class title for such appropriate class of position.

*“Reduction in force”* is a layoff resulting from a shortage of funds or work, a material change in duties or organization or abolishment of one or more positions.

*“Reemployment”* is the reappointment of an employee from a reemployment list. An employee may be placed on a reemployment list as a result of (1) layoff or voluntary demotion in lieu of layoff, or (2) medically related disability leave and exhaustion of vacation and medically related disability leave credits, or (3) failure to pass a subsequent probationary period on a promotion, lateral transfer out of class, or demotion out of series.

*“Reinstatement”* is the reappointment of a permanent employee who has resigned in good standing.

*“Resident director”* is the person appointed by the head of each regents institution to administer the merit system rules at that institution.

*“Suspension”* is a leave of absence without pay enforced as a disciplinary measure.

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## CLASSIFICATION

**681—3.25(19A) Preparation and maintenance of the classification plan.** The merit system director, in consultation with the resident directors and subject to the approval of the board of regents, shall develop and maintain a classification plan so that all positions that are substantially similar and comparable in regard to the kind and difficulty of work and the level of responsibility are included in the same class, so that the same minimum qualifications are required for all positions in the same class (except as provided in 3.69(2)), so that the same examination may be used in filling all positions in a class, and so that the same pay schedule may be equitably applied (except for geographical differences) to all positions in the class. For each class of position the plan will include a class title, a definition of the job, examples of the kind of work performed, the minimum qualifications for the class including special requirements when applicable.

**681—3.26(19A) Administration of the classification plan.** The merit system director will direct the uniform administration of the classification plan. Resident directors may recommend classifications and reclassifications. Employing departments and employees may appeal classification and reclassification in accordance with 3.127(19A) of these rules.

The merit system director, in consultation with the resident directors and subject to the approval of the board of regents, may establish new classes and change or abolish existing classes which affect the merit system pay plan in order to meet the needs of the institutions and to properly reflect changes in work and the organization thereof. When the changes do not affect the pay plan of the merit system the merit system director may, in consultation with the resident directors, change existing classes and report such changes annually to the board of regents. When the classification of a position is changed, the incumbent will be entitled to continue service in the position provided the incumbent meets the minimum qualifications or provided the duties have not changed appreciably. If the incumbent is not eligible to continue, the incumbent may be transferred, promoted, demoted or laid off in accordance with the rules. Changes in classification will not be used to avoid other provisions of these rules relating to layoffs, promotions, demotions and dismissal.

A review of the allocation of positions to classification, class series, or group of classes may be initiated by the merit system director on a systemwide basis. The administrative review shall preempt the classification appeal procedure provided in 3.127(19A) of these rules. Changes in the classification of positions resulting from a systemwide review shall be effective at the beginning of the next fiscal year unless the merit system director establishes an earlier date for implementation.

This rule is intended to implement Iowa Code sections 19A.3(5) and 19A.9.

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**681—3.27 to 3.36** Reserved.

## COMPENSATION PLAN

**681—3.37(19A) Preparation, content and adoption of the pay plan.** The board of regents will adopt a pay plan for all the classes established in the classification plan. The pay plan will consist of a schedule or schedules of numbered grades with minimum, maximum and intermediate steps for each grade. Each class will be assigned to a pay grade. The plan will be developed to reflect the relative difficulty and responsibility of the work involved in the various classes, what is paid for similar work by other employers in the pertinent labor market, and the availability of funds with due regard to the results of a collective bargaining agreement negotiated under the provisions of Iowa Code chapter 20. The plan will be uniformly applicable to all regents institutions except for variances approved on the basis of geographical differences. Prior to final approval by the board of regents, the plan will be the subject of a public hearing conducted after reasonable and adequate notice at each board of regents institution. After approval by the board of regents, the plan will be submitted for approval to such other authority as required by law.

**681—3.38(19A) Review and revision of the pay plan.** At least once each year, the complete pay plan will be reviewed for revision by the board of regents in the same manner and following the same procedure stated in 3.37(19A). At any time, new classes may be established and other revisions may be made in the plan to reflect proper relationships and to facilitate recruitment and retention. Such changes will be effective after approval by the board of regents and other authority as required by law.

**681—3.39(19A) Administration of the pay plan.** Within the provisions of these rules, the pay plan will be uniformly administered by the resident directors under the direction of the merit system director for all classes in the system. Except as otherwise provided in these rules and in the pay plan, all employees will be paid at one of the steps of the pay grade to which the employee's class is assigned and such pay will constitute the total cash remuneration the employee receives for the employee's work in that position. Perquisites such as subsistence and maintenance allowances will be considered a part of pay and the value of such will be deducted from an employee's rate of pay. Any employee who is approved for participation in a phased retirement program as provided for by state law and regent policy shall have the salary provided under these rules adjusted as specified by such law and regent policy.

**3.39(1) Entrance salaries.** The entrance salary for an employee in any position under this system will be the minimum salary of the pay grade to which that class of position is assigned or in accordance with the approved pay plan, except as provided for the following:

*a. Appointment based on a scarcity of qualified applicants.* At the request of an institution and on the basis of economic or employment conditions which make it difficult or impossible to recruit at the minimum rate of the pay grade to which a class of position is assigned, a resident director, subject to approval by the merit system director, may authorize for a designated period of time recruitment for that class at a rate higher than the minimum. Where such a higher entrance rate is authorized all employees in the same class and in the same geographical area, who are earning less than the higher entrance rate, will be increased to that higher rate.

*b. Appointment based on exceptional qualifications.* Employees whose qualifications substantially exceed the minimum required for the class, or who possess outstanding experience relative to the demands of the position, may at the request of an employing department, be appointed at a rate higher than the minimum, provided that the pay of all other employees with similar qualifications working under the same conditions at the same institution are raised to that higher rate. Such appointments must be approved by the resident director and reported to the merit system director. Such appointments which necessitate the adjustment of the salaries of employees other than the appointee will, in addition, require prior approval of the merit system director.

Increases authorized and granted to other employees as the result of appointments based on the scarcity of qualified applicants, 3.39(1)“a,” or appointments based on exceptional qualifications, 3.39(1)“b,” will establish new merit review dates for affected employees.

*c. Appointments based on prior service at the institution.* Employees who were employed by an appointing institution in a nonmerit system position and who performed duties of the same character and responsibility as the merit class to which they are being appointed may be paid at a rate higher than the minimum reflecting prior service in a comparable position. Such appointments must be approved by the resident director and reported to the merit system director.

**3.39(2) Merit increases.** Nonbargaining permanent and probationary employees on Step 1 in a pay grade will be eligible for a step merit increase upon completion of six months of satisfactory performance in their assigned classification at the same step. Permanent and probationary employees on Step 2 or above in a pay grade will be eligible for a step merit increase upon completion of one year of satisfactory performance in their assigned classification at the same step except that no merit increase will be granted above the last step in the pay grade. The period of satisfactory performance will be measured from the last merit review date if such a date has been established. Merit increases in pay will not be made retroactively, but may be denied or deferred by the employing department on the basis of work performance. Employees whose merit increases are denied or deferred will, prior to the scheduled effective date of increase, be informed of such action by a written statement from their employing department which specifies the reason for the denial or deferral. Denials or deferrals of a merit increase for six months or less for reason of unsatisfactory work performance will not result in the establishment of a revised merit review date. Deferrals resulting from leaves of absence without pay or layoff exceeding 30 calendar days will cause a change of the merit review date equal to the time away from work. Pay for exceptional performance, not to exceed 5 percent of an employee's current annual salary, may be given to an employee at the written request of the employee's department head with appropriate administrative approval and the prior approval of the resident director. The request will describe the nature of the exceptional job performance for which additional pay is requested, indicate the amount proposed, and specify the source of funds. The award may be based on sustained superior performance or an exceptional achievement or contribution during the period since the employee's last performance review.

To qualify for an exceptional performance award, an employee must have a cumulative performance evaluation exceeding standards and have no individual rating below satisfactory. Payment will be made as a lump sum award and will not change the employee's established salary rate. No employee will be eligible for more than one award a year.

**3.39(3) Pay on promotion.** An employee who is promoted will be moved to the minimum rate of the new grade, or to the next higher rate on the new grade which provides an adjustment that is the salary equivalent of not less than a step higher than the employee's present base pay. In no event will the adjustment result in pay above the maximum of the new grade.

If the promotion involves movement to a new grade that is three or more grades higher than the employee's present grade, the resident director may approve, on written request from the employing department, an increase that is two steps higher than the employee's present base pay.

For the purpose of calculating the promotional increase, any extra pay such as shift differential pay, pay for special assignment, on-call pay, pay for overtime, or pay for call back shall be excluded as part of the employee's present base pay. The merit review date will be computed from the effective date of promotion and in accordance with 3.39(2). Pay on promotion in accordance with the provisions of subrule 3.39(1), paragraph "b," may be authorized by a resident director with the approval of the merit system director.

**3.39(4) Pay on demotion.** Upon recommendation by the department head, and with the prior approval of the resident director, the pay of an employee who is demoted will be set at any step within the new pay grade that does not exceed the rate at which the employee was paid in the position from which the employee was demoted. Merit review date will not change.

If the salary of an employee who is demoted as the result of the reclassification of the employee's position exceeds the maximum salary of the pay range to which the new classification is assigned, at the discretion of the employing department and with the approval of the resident director, the salary may be "red-circled" for a period not to exceed one year. An extension not to exceed one additional year may be approved by the merit system director.

If an employee accepts voluntary demotion in lieu of layoff, the salary shall be retained providing funding is available. In no event will the salary exceed the maximum of the new pay grade.

**3.39(5) Pay on reinstatement, reemployment or return from leave.** An employee who is reinstated to the previously occupied class or a class in the same pay grade as the previously occupied class will be paid at a rate no less than what the employee was last paid and no higher than that provided at the step of the pay grade at which the employee was last paid with the prior approval of the resident director. An employee who is reinstated to a lower class, or who is returned to a merit system position from a professional position, will be paid in accordance with subrule 3.39(4), pay on demotion. The date of reinstatement will be the merit review date.

An employee who is reemployed to the previously occupied class, will be paid at a rate no less than what the employee was last paid and no higher than that provided at the step of the pay grade at which the employee was last paid with the prior approval of the resident director. When a merit increase has been granted to an employee in a position taken through voluntary demotion in lieu of layoff and the merit increase results in a higher rate of pay than last paid to the employee prior to the voluntary demotion in lieu of layoff, the employee may be reemployed to the previously occupied class with the higher rate of pay. Reemployment to the previously occupied position or class of position from a position taken as a voluntary demotion in lieu of layoff will not be considered a promotion. The merit review date will not change as a result of the voluntary demotion in lieu of layoff, nor as a result of reemployment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff.

An employee who is reappointed to the previously occupied position or position in the same class on conclusion of a leave without pay will be paid in accordance with the provisions concerning pay on reemployment as provided above.

**3.39(6) Pay for special assignment.** Provided an employee is granted special assignment in accordance with 3.102(2) of these rules the employee will be paid for the duration of such assignment consistent with:

- a. 3.39(3) Pay on promotion if assigned to a class having a higher pay grade;
- b. 3.39(7) Pay on transfer if assigned to a class having the same pay grade;
- c. The present base pay if assigned to a class having a lower pay grade.

**3.39(7) Pay on transfer.** Employees who are transferred from:

a. One position to another position in the same class shall receive no adjustment in base pay;

b. One class to another class in the same pay plan (matrix) shall receive no adjustment in base pay except as set forth in “d” and “e” below;

c. One class to another class not in the same pay plan (matrix) shall receive an adjustment to the closest rate that provides no reduction in base pay except as set forth in “d” and “f” below;

d. One class with a lower or no advanced starting rate to a class with a higher advanced starting rate shall receive:

(1) An adjustment to the higher advanced starting rate if the base pay prior to transfer is less than the higher advanced starting rate, and if the minimum qualifications are met for the class. When the base pay adjustment is the salary equivalent of a step or greater an adjustment in merit review date will result, and be computed from the effective date of transfer and in accordance with 3.39(2); or

(2) No adjustment in base pay if the employee’s base pay prior to transfer is not less than the higher advanced starting rate, and if the minimum qualifications are met for the class and the classes are in the same pay plan (matrix); or

(3) An adjustment to the closest rate that provides no reduction in base pay if the employee’s base pay prior to transfer is not less than the higher advanced starting rate, and if the minimum qualifications are met for the class and the classes are not in the same pay plan (matrix).

e. One class with a higher advanced starting rate to a class with a lower or no advanced starting rate in the same pay plan (matrix) shall receive, with prior approval of the resident director:

(1) No adjustment in base pay; or

(2) An adjustment to any rate that is below the base pay prior to transfer.

f. One class with a higher advanced starting rate to a class with a lower or no advanced starting rate not in the same pay plan (matrix) shall receive, with prior approval of the resident director:

(1) An adjustment to the closest rate that provides no reduction in base pay; or

(2) An adjustment to any rate that is below the base pay prior to transfer.

The above provisions notwithstanding, no employee will receive base pay above the maximum step of the class following transfer. If the base pay is adjusted to Step 1, the merit review date shall be changed in accordance with 3.39(2) if scheduled more than six months from the effective date of transfer; otherwise it shall remain unchanged.

**3.39(8) Pay on reassignment of a revised class of position to a different pay grade.** If the class of position is revised and reassigned to a higher pay grade, subrule 3.39(3), Pay on promotion, will apply.

If the class of position is revised, reassigned to a lower pay grade, subrule 3.39(4), Pay on demotion, will apply.

**3.39(9) Pay for part-time employment.** Pay for part-time employment will be proportionately equivalent to the rate for full-time employment.

**3.39(10) Reserved.**

**3.39(11) Pay for call back.** Employees who are called back to work after completing their regular work schedule will be paid for a minimum period of three hours, regardless of the time worked. Employees who are called back and work in excess of three hours will be paid the actual time worked.

**3.39(12) Lead worker status.** On request of an employing department and with approval of the resident director, an employee who is assigned and performs limited supervisory duties (such as distributing work assignments, maintaining a balanced workload within a group, and keeping attendance and work records) in addition to regular duties, may be designated as lead worker in the classification assigned, and paid during the period of such designation a salary equivalent to a one-step increase.

**3.39(13) *Pay for trainees and apprentices.*** The schedule of wages for trainees and apprentices will consist of a step in the pay matrix for every year of training required. Each employee whose performance is satisfactory as determined by the employing department will progress one-half step every six months from the first step of the schedule to the entrance rate established for the journey class at the completion of time established for training or apprenticeship.

**3.39(14) *Pay for returning veterans.*** Veterans who return from military leave will have their rate of pay set at the appropriate merit step they would have attained had they continued in service at the regent institution from which they took military leave.

**3.39(15)** Reserved.

**3.39(16) *Payment of a shift differential.*** All employees will be paid a shift differential for any shift of which four or more hours occur between 6 p.m. and midnight and a shift differential for any shift of which four or more hours occur between midnight and 6 a.m. The amount of the shift differential paid shall be determined by the merit system director.

**3.39(17) *Pay for time on-call.*** At the request of an institution, the board of regents may authorize the compensation of employees for time spent on-call. At the request of the employer, employees who are off duty and free to engage in their own pursuits shall be considered on-call, provided (a) that they leave word with the employer where to be reached if needed, and (b) that they are able to report ready for work within a specified time after being contacted by the employer.

**3.39(18) *Pay on reclassification of position.*** If a position is reclassified, the incumbent's pay will be fixed in accordance with the rules governing pay on demotion, reemployment, transfer, or promotion, whichever is applicable.

This rule is intended to implement Iowa Code section 19A.9.

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**681—3.40 to 3.49** Reserved.

## APPLICATION AND EXAMINATION

**681—3.50(19A) Applications.** Applications for employment will contain no question prohibited by state or federal statutes, and the truth of statements made on the application will be certified by the signature of the applicant.

**681—3.51(19A) Examinations.** Entrance to the service will be conducted on an open competitive basis. Examinations must be approved by the merit system director. Examinations may, at the designation of the resident director, be conducted on a continuous basis, or they may be offered periodically as need or anticipated need for employees arises. Examinations will be practical in nature, constructed to reveal the capacity to successfully perform the job for which the applicant is competing, and will be rated objectively. They will be structured for necessary minimum levels of competence.

**681—3.52(19A) Character of examinations.** Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness, or other qualifications or attributes which enter into the determination of the relative fitness of applicants.

**3.52(1) Assembled examinations.** Assembled examinations will be conducted for those classes for which written tests are practical. Such examinations may include one or more of the following in addition to the written tests: skill demonstration tests, physical tests, oral interviews and evaluations of training and experience.

**3.52(2) Unassembled examinations.** For those classes of a craft nature or where peculiar and exceptional qualifications are required and competition through an assembled examination is impractical, an unassembled examination may be held. Such examinations will consist of an evaluation of a statement of training and experience and such other materials as the applicants may be required to submit as evidence of fitness for a position, and may include oral interviews for evaluation of personal and technical qualifications and evaluations of other factors which enter into the determination of the relative fitness of applicants.

**3.52(3) Simplified examination procedure.** For positions involving unskilled work, where the character or conditions of employment make it impractical to supply the needs of the institution through procedures prescribed above, the merit system director may authorize the use of such other procedures as the merit system director determines to be appropriate which will ensure the selection of such employees on the basis of merit and fitness. Examinations so given will conform with and utilize such methods, forms, and techniques as the director may require.

**3.52(4) Special examination procedure for applicants with disabilities.** When the merit system director determines that an examination procedure has the effect of screening out otherwise qualified persons with disabilities on the basis of their disability, the merit system director may authorize the use of a modified procedure which will appropriately measure the applicants' ability to perform the essential functions of the position.

**681—3.53(19A) Announcement of examinations.** Announcement of examinations will be made publicly and will include the title, the minimum qualifications for the class, and the application procedure. Announcements of examinations will, in addition to other publication or distribution prescribed by the resident director, be displayed in the institution's employment office and distributed to all the state employment offices of the Iowa department of employment services.

**3.53(1) Continuous examinations.** Announcement of examinations that are conducted on a continuous basis will be made at least once every six months, and will include a statement to the effect that applications will be accepted until further notice.

**3.53(2) Noncontinuous examinations.** Announcements of examinations not conducted on a continuous basis will include a statement indicating the latest date for filing application, and will be made public at least 15 calendar days before the closing date for accepting applications. If, at the closing date, the resident director determines that the number of qualified applicants is insufficient to warrant offering the examination, the resident director may extend that date and reschedule the examination, providing that persons who have applied to take the examination are notified.

**681—3.54(19A) Eligibility to compete in examinations.** Anyone who applies for employment in a specific class at a regents institution and who meets the minimum qualifications prescribed for that class, and who is not rejected or disqualified under 3.55(19A), will have the right to take an examination when offered for that class.

**681—3.55(19A) Rejection or disqualification of applicants.** The resident director may reject any applicant or, after examination, may refuse to certify any candidate if it is found that the person:

1. Does not meet the minimum required qualifications for the class;
2. Cannot perform the essential functions of the position due to a disability;
3. Habitually uses narcotics or uses intoxicating beverages to excess;
4. Has made a false statement of material fact in the application;
5. Has information concerning the examination to which the person is not entitled;
6. Has been convicted of a felony which makes the person unsuitable for employment in a particular class or position;
7. Has been dismissed from private or public service for a cause that would be detrimental to the regents institution employing the applicant.

A disqualified applicant or eligible will promptly be notified in writing of such action at the last known address. A disqualified applicant or eligible may request review of the reason for disqualification. Such request will be in writing and upon the receipt, the resident director will give full consideration to the request, and notify the applicant of the resident director's decision in writing.

**681—3.56(19A) Administering the examination program.**

**3.56(1) Security.** Necessary security precautions and procedures will be exercised by the resident director to maintain the highest integrity in the examination program.

**3.56(2) Notification of results.** Applicants will be notified in writing of the results of their test(s) as soon as possible, and test scores will be made available only to the applicant, the resident director and the director's staff, prospective employing departments, and the merit system director.

**3.56(3) Review of ratings.** Any applicant may request a review of the applicant's test ratings, provided such a request is made within 15 working days after notification of examination results. Such reviews will be made available only to the applicant and prospective employment departments.

**3.56(4) Retaking examinations.** Applicants may apply to retake examinations, but may not take the same form of a written examination more than once in any three-month period. Performance examinations, such as typing and shorthand tests, may at the discretion of the resident director, be retaken after one week but may not thereafter be repeated more than once a month.

**3.56(5) *Transfer of examination results.*** At the request of an applicant whose name is on the eligibility list for a class at any regents institution, the results of the examination(s) the applicant has taken for that class will be forwarded to any other regents institution, and the name of that applicant will be placed on the eligibility list for that class at that institution in accordance with these rules. Such a request will be made by the applicant in writing to the resident director at the institution where the examination was taken, will specify the other regents institutions at which the applicant wishes to be considered for employment, and will contain a statement from the applicant indicating that the applicant will be reasonably available for interviews should the applicant's name be certified for appointment. The examination results will be forwarded by the resident director at the examining institution to the resident director at the institution(s) specified by the applicant and the resident director who receives the examination results will notify the applicant of said receipt.

**3.56(6) *Applicant's address.*** It will, at all times, be the responsibility of the applicant to see that the applicant's address on file with the resident director is current and correct. Failure to do so may result in the removal of the applicant's name from an eligibility list as set forth in 3.67(1)“f.”

**3.56(7) *Disposition of examinations.*** After an examination is completed and scored, the completed examination will be kept on file at the institution by the resident director for a period of time to be designated by the merit system director.

**3.56(8) *Veterans preference.*** Veterans preference shall be given by the addition of extra points to examination scores as provided by law (19A.9(21)).

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**681—3.57 to 3.66** Reserved.

## CERTIFICATION AND SELECTION

**681—3.67(19A) Eligibility lists.** Insofar as possible, eligibility lists will be established and maintained by the resident director to fill the employment needs of the institution. Three kinds of eligibility lists are provided: reemployment, employment, and promotional, each of which will be maintained by class of position.

Reemployment lists will consist of the names of permanent employees who have been laid off or demoted in lieu of layoff or who are able and qualified to return to work following a medically related disability leave, in accordance with 3.104(4)“j” and 3.143(19A). These lists will be maintained in order by retention points calculated in accordance with the approved formula for reduction in force, beginning with the person with the highest number of points. Reemployment rights apply only to classes for which the employee is eligible in accordance with these rules.

Employment lists will be established as the result of competitive examinations and will consist of the names of all applicants who have qualified by passing examinations and who have not been disqualified in accordance with these rules. Employment lists will be maintained in order of test score achievement beginning with the highest.

Promotional eligibility lists will consist of the names of all permanent employees who are qualified and have requested consideration for promotion unless an employing department requests that the promotional list be limited to permanent employees of that department.

**3.67(1) Removal of names from eligibility lists.** In addition to the causes for rejection or disqualification set forth under 3.55(19A), the resident director may permanently or temporarily remove names from eligibility lists for the following reasons:

- a. On receipt of a written statement from eligibles that they no longer desire consideration for a position in the class.
- b. Appointment through certification from such eligibility list to fill a permanent position.
- c. Failure to respond within five working days to the written inquiry of the resident director relative to availability for appointment.
- d. Declination of appointment without good cause or under conditions which the eligibles previously indicated they would accept.
- e. Failure to appear for a scheduled employment interview or to report for duty within a reasonable time specified by the employing department.
- f. Failure to maintain a record of their current address with the resident director as evidenced by the return of a properly addressed unclaimed letter or other evidence.
- g. Willful violation of any of the provisions of these rules.
- h. If a department passes over the name of an applicant certified to fill a vacancy in the same class and employs applicants with lower scores on three separate occasions, the department may request that the resident director not refer the applicant to that department for future vacancies in that class for a period not to exceed two years.

**3.67(2) Duration of eligibility lists.** Employment and promotional eligibility lists will exist for a period of time no less than one year and no more than three years as designated by the resident director. Reemployment eligibility lists will exist for a period of two years. Names may be added to or deleted from eligibility lists in accordance with these rules. The names of applicants who have not been appointed or otherwise removed from lists will be removed at the termination of the designated period of time.

**3.67(3) Notification of removal from eligibility lists.** Applicants whose names are removed from eligibility lists for any reason other than 3.67(1)“a,” 3.67(1)“b,” 3.67(1)“c,” or 3.67(1)“f,” will be immediately notified of such removal in writing by the resident director.

**3.67(4) Precedence of eligibility lists.** For appointment to permanent positions, eligibility lists will be used as follows:

Reemployment lists will supersede employment and promotional lists.

**681—3.68(19A) Personnel requisitions.** Requests to fill vacancies in permanent positions will be initiated in writing by the requesting department and forwarded to the resident director. The request will include the class of the position to be filled, the number of vacancies and the date of need.

**681—3.69(19A) Certification from eligibility lists.** The resident director will certify the names of eligible candidates in the following manner:

From a reemployment list the resident director will certify for appointment in the following order:

1. If the vacancy occurs in a college or operating division in which employees on the reemployment list for that class were last employed, the resident director will certify the one employee highest on the list who was laid off, demoted or took a medically related disability leave from that college or division; or

2. If the vacancy occurs in a college or operating division other than the one in which any employee on the reemployment list for that class was last employed, the resident director will certify the names of the six employees standing highest on the reemployment list.

When the reemployment list for a class has been exhausted, the resident director will certify for employment candidates on the eligibility register of the employment list for the appropriate class or the names of candidates on the promotional lists for the appropriate class. Employing departments may request the names of candidates from either or both lists.

**3.69(1) Eligibility registers.** An eligibility register will consist of the names of the applicants on the appropriate employment eligibility list who received the highest six scores.

In the interest of speed and efficiency in the selection process, candidates may be certified and referred to more than one vacancy at the same time. However, with reasonable regard for candidates standing highest on eligibility lists, a resident director will not be required to make simultaneous certification of the same name on different certifications made concurrently for the same class of position. If more than one vacancy in the same class exists at the same time in one department, the resident director may certify and refer to that department the names of applicants on the eligibility list who received the next score below those included on the register. Such an additional certification may be made for each vacancy in excess of one.

For positions in traditionally segregated job classes in which there is a manifest imbalance reflecting substantial underrepresentation of women or minorities, the resident director shall, if possible, certify for inclusion on the eligibility register the names of female or minority applicants receiving the highest score on the competitive examination if women or minorities are not already included in the highest six scores.

Traditionally segregated job classes in which there is a manifest imbalance reflecting substantial underrepresentation of women or minorities shall be defined as the job groups identified as problem areas in the most recent affirmative action plan of the regent institution in which the position is available.

**3.69(2) *Special qualifications.*** An employing department may request in writing that the resident director certify for appointment candidates who have special qualifications in addition to the minimum qualifications prescribed in the class specifications. If, in the judgment of the resident director, such a request is validly related to job performance, the resident director may certify, in the order of their standing on the eligibility list, only the names of eligibles who have such special qualifications.

This rule is intended to implement Iowa Code section 19A.9(7).

**681—3.70(19A) Selection of employees.** Employing departments will notify the resident director of all vacancies in permanent positions as far in advance of the date of need as possible. The resident director will certify as approved for appointment names of candidates in accordance with these rules. Final selection will be made by the employing department. Nothing in these rules will require the hiring of any candidate. When a properly certified candidate is selected by a department, the department will so notify the resident director.

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**681—3.71 to 3.80** Reserved.

## APPOINTMENTS AND PROBATION

**681—3.81(19A) Appointments.** All appointments under this system will be made in accordance with all the provisions of these rules including those concerning certification and selection unless otherwise specified and no appointment shall be made without the prior approval of the resident director.

**681—3.82(19A) Temporary appointments.** Temporary appointments may be made and approved by the resident director to provide for services needed on a periodic basis. Employees appointed on this basis will not work more than 960 hours in any fiscal year, but may, at the request of an employing department, be returned to duty in successive years.

This rule is intended to implement Iowa Code section 19A.9.

**681—3.83(19A) Emergency appointments.** Appointments may be made without reference to the provisions of these rules regarding minimum qualifications, certification and selection, to provide for services needed in cases of emergency. Appointments shall not exceed 480 hours during a fiscal year for any individual at any or all employing departments of board of regents institutions.

This rule is intended to implement Iowa Code section 19A.9.

**681—3.84(19A) Trainee, apprentice, or career development appointment.** When a position within a class cannot be filled because of the lack of qualified eligibles, or applicants meeting the minimum qualifications for the class, or the institution specifically designates a position for trainee, apprentice, or career development purposes, the institution may appoint a person who meets the minimum qualifications established in programs approved by the merit system director for this type of appointment.

**681—3.85(19A) Project appointment.** When it is known that a particular job, project, grant or contract will require the services of an employee for a limited duration, a project appointment may be made. Such an appointment will not be made for more than one year. While an extension beyond one year may be approved by the merit system director on the basis of a limited need that could not otherwise be efficiently and effectively filled, successive project appointments will not be allowed.

Such appointments will not confer to the individual any right of position, transfer, demotion, or promotion, but incumbents shall be eligible for vacation and sick leave, except that a project appointment made for less than 120 days or 960 hours will be considered a temporary appointment under rule 3.82(19A) without conferring rights or eligibility for vacation or sick leave.

This rule is intended to implement Iowa Code sections 19A.9 and 70A.1.

**681—3.86(19A) Provisional appointments.** In the absence of an eligibility list, the resident director may approve a provisional appointment for a person who meets the minimum qualifications of the class in which the vacancy exists but who has not passed the examination for that class. A provisional appointee must immediately apply for examination and be examined as soon as practical. After certification from an appropriate register and successful completion of six months of active service in the class in accordance with 3.90(2) of these rules, provisional appointees will have completed their probationary period and will have permanent status.

A provisional appointment will not exceed six months and successive provisional appointments will not be allowed.

**681—3.87(19A) Permanent appointments.** A candidate who is certified from an eligibility register and appointed with the approval of the resident director to a permanent position, and who successfully completes a probationary period in accordance with these rules, will have permanent status.

**681—3.88(19A) Work test appointments.** Work test appointments may be made and approved by the resident director to those positions for which a simplified examination procedure [3.52(3)] has been approved. At the successful completion of six months of service in a class to which a person received a work test appointment, the person will have permanent status in that class.

**681—3.89(19A) Reinstatement.** A permanent employee who has resigned in good standing may be reappointed without certification from an eligibility list to a position in the same class or pay grade from which the employee resigned or a lower class for which qualified, provided that such reappointment is made within a period of time no greater than the period of the employee's previous employment and in no case more than two years after the date of the employee's resignation and provided there is no reemployment list for that class.

With approval of the resident director, an employee who achieved permanent status in a merit system classification and was promoted subsequently to a professional position at a regent institution may be returned during the employee's current continuous employment to a vacant position in the employee's previous classification or to a vacant position in a lower classification provided the employee meets current minimum requirements and there is no reemployment register for the class.

**681—3.90(19A) Probationary period.**

**3.90(1) Purpose.** The probationary period will be an important part of the examination and selection process, and will be used by the employing department to closely observe and evaluate employee's work, to train and aid the employees in adjustment to their position, and to reject and dismiss any employee whose performance fails to meet standards.

**3.90(2) Duration of probation.** A candidate who is certified from an employment list and appointed to a permanent position will be on probation until the person completes six months of active service in the position to which appointed. If a probationary employee is not dismissed during this time, the person will, at the conclusion of the probationary period, have permanent status in that class. A period of temporary employment immediately preceding a permanent appointment to the same class may, at the request of the employing department, be counted as probationary service. Employees who are promoted from one class to another, or who transfer out of class, will serve a period of probation for either three or six months during which time they will retain all of their rights under the merit system except that of permanency in the new class. The duration of said probation shall be three months unless prior to the promotion the employee's department head requests and receives approval of the resident director to provide a six-month probationary period, and so informs the employee. Employees who voluntarily demote out of a classification series will serve a period of probation for three months during which time they will retain all of their rights under the merit system except that of permanency in the new class.

**3.90(3) Layoffs during probation.** Certified employees who are laid off without prejudice during their probationary period will, upon written request to the resident director, be returned to the eligibility list from which they were certified.

**3.90(4)** *Dismissal during probation.* Certified employees who are rejected and dismissed during their probationary period may be returned to the eligibility list from which they were appointed or placed on the reemployment list for a previously held classification in the case of a promotional probationary if, in the judgment of the resident director, they may be able to perform satisfactorily in another position.

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**681—3.91 to 3.100** Reserved.

## PROMOTIONS, DEMOTIONS, TRANSFERS AND TERMINATIONS

**681—3.101(19A) Promotions.** Vacancies will be filled by promotion of qualified permanent employees in accordance with these rules whenever practicable and feasible.

This rule is intended to implement Iowa Code sections 19A.1 and 19A.9.

**681—3.102(19A) Transfers.**

**3.102(1) Reassignments.** Employees with the approval of the resident director may be reassigned at any time from one position to another in the same class within an institution, except that probationary employees who were certified to fill their position on the basis of special qualifications as provided in 3.69(2) will not be reassigned unless the new position requires the same special qualifications which justified the original certification.

**3.102(2) Special assignment.** When the services of employees are temporarily needed in a position in the same or a different class within the institution other than the position to which the employees are assigned, they may be given special assignment, with the prior approval of the resident director and involved departments, to perform the duties of such position for a period not to exceed six months without change in title or status. In unusual circumstances, an extension of a special assignment for no more than one additional six-month period may be approved by the merit system director on written request from the resident director. Employees will be paid for special assignment in accordance with 3.39(6).

**3.102(3) Intra- and inter-institutional transfers.** With permanent employees' approval they may be transferred from one position to another in the same class or to a position in another class in the same pay grade, from one department to another department in the same or different institution under this system, provided both departments involved approve the transfer, and the resident director certifies that the employees meet the minimum qualifications for the class.

Transfers to higher or lower classes will be governed by the provisions of these rules concerning promotion or demotion, respectively.

**681—3.103(19A) Demotion (voluntary).** If, for any reason, an employee wishes to be demoted to a position in a lower class, the resident director may, upon written request from the employee and with the approval of involved departments, effect such a demotion provided the employee is certified by the resident director as meeting the qualifications required for the lower class. Voluntary demotion will not be subject to appeal.

**681—3.104(19A) Terminations.**

**3.104(1) Resignations.** To resign in good standing employees must notify the employing department of their intention to resign in writing at least ten days prior to the effective date of resignation, except in cases where the employing department agrees to a shorter period of notice. An employee who fails to give proper notice may, at the request of the employing department, be barred from future certification to that department or from reinstatement as provided for in these rules. Employees who resign will have no rights of appeal under these rules.

**3.104(2) Termination on expiration of appointment.** On expiration of an appointment of limited duration the employing department will report such action in writing to the resident director.

**3.104(3) Retirement.** Employees who retire will be considered to have terminated in good standing and without prejudice and will have no rights of appeal under these rules.

**3.104(4) *Reduction in force.*** Nothing herein shall be construed as a guarantee of hours of work per day or per work period. An institution may lay off an employee when it deems necessary because of shortage of funds or work, a material change in duties or organization or abolishment of one or more positions. When individual(s) directly affected is identified, the individual(s) may request and accept layoff with reemployment rights as provided in 3.104(4) "j." If an individual(s) directly affected does not request layoff with reemployment rights, the reduction in force procedures which follow shall be implemented. Reduction in force will be accomplished in a systematic manner and will be made in accordance with formula developed by the institution and reviewed and approved by the merit system director for its conformance to these rules; however, the layoff rules established in this subrule shall not apply to temporary layoffs of less than 20 workdays or 160 hours of work per calendar year:

- a. Reduction in force will be made by class of position.
- b. Reduction in force may be made by organizational unit within an institution or institutionwide, as designated by the institution, provided such designation is reported to the merit system director before the effective date of the reduction.
- c. The order of reduction in force will be by type of appointment as follows: emergency, temporary, provisional, trainee, initial probationary, permanent.
- d. Each employee affected by a reduction in force will be notified in writing of the layoff and the reasons for it at least 20 days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice.
- e. There will be competition among all employees in the class of position or positions affected by the layoff based on a retention points system that will consist of points for length of service and performance evaluation of all employees in the class within the organizational unit or units affected. Retention points will be calculated as follows:
  - (1) Length of service credit will be allowed at the rate of one point for each month of service. For the purpose of computing length of service credits, the institution will include all continuous periods of employment between the date of the original appointment and the date of the layoff. Approved leaves of absence without pay, suspensions and layoffs for periods exceeding 15 consecutive days will not be counted; however the periods of service immediately preceding and following such periods will be counted. An employee who is returned to duty following approved military service will have all such time counted as continuous service. When employees are off the payroll of the institution for more than 15 consecutive days for a reason other than an approved leave of absence, suspension, layoff or military service, the date that they return to duty will be considered the date of original appointment for purposes of computing retention points.
  - (2) Performance evaluation credit will be allowed at the rate of one point for each month of service rated as satisfactory under a performance evaluation plan approved by the institutions and the merit system director. An additional point will be added for each month of service during which performance is rated one or more levels above satisfactory. No credit will be allowed for service rated less than satisfactory. No performance evaluations which are made less than three months prior to a reduction in force will be used in determining performance evaluation credits. In the absence of a performance evaluation review, service will be considered as satisfactory and one point will be given for each month thereof.
  - (3) Length of service and performance evaluation points for service less than full-time will be prorated in accordance with the percent of fractional employment. Reduction in force retention points will be the total of length of service and performance evaluation points in accordance with the approved formula.
- f. Employees will be placed on the layoff list beginning with the employee with the greatest number of retention points at top. Layoffs will be made from the list in reverse order. Copies of the computation of retention points will be made available to affected employees. One copy will be retained by the resident director and one copy will be forwarded to the merit system director at least ten days prior to the effective date of the layoff.

g. When two or more employees have the same total of retention points, the order of termination will be determined by giving preference for retention to the employee who has the highest total earnings in the class of position affected by the layoff excluding pay for special assignment, overtime, call back, lead worker status, shift differential, and on-call.

h. The reduction in force formula approved by the merit system director will be posted by the resident director so that all employees will have access to it.

i. An affected employee may appeal a reduction in force by filing, within five days after notification as provided in paragraph “d” of this subrule, a written grievance with the resident director (at Step 3 of the grievance procedure provided in 3.129(19A) or at a comparable step of a procedure approved under 3.129(1)). If not satisfied with the decision rendered at that step, the employees may pursue their appeal in accordance with the grievance procedure.

j. A permanent employee in a class of position in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower class of position in the same series, or, in the absence of a lower class in the same series, to a class of position which the employee has formerly occupied while in the continuous employment of the institution. Such demotion or the occupying of a formerly held position will not be permitted, however, if the result thereof would be to cause the layoff of a permanent employee with a greater combined total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held position in lieu of layoff, the employee must notify the resident director in writing of such election not later than five days after receiving notice of layoff. Any permanent employee displaced under these provisions will have the right of election as provided herein.

Employees who are laid off or who accept voluntary demotion in lieu of layoff will, at their request, have their names placed on the reemployment eligibility list(s) for the class from which they were laid off, either the lower class(es) in the same series or a class formerly occupied in accordance with 3.67(19A) to 3.70(19A), or both.

**3.104(5) *Abandonment of position.*** Employees who are absent from duty for three consecutive work days without proper notification and authorization thereof shall be deemed to have resigned their positions.

This rule is intended to implement Iowa Code section 19A.9(14).

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## DISCIPLINARY ACTIONS

**681—3.115(19A) Causes for disciplinary action.** All employees may be subject to disciplinary action for any of the reasons specified in section 19A.9(16).

**681—3.116(19A) Disciplinary actions.** Disciplinary action will be reasonable, timely and related in severity to the seriousness of the offense; however, this will not preclude reasonable penalties of varying severity for an accumulation of offenses.

**3.116(1) Suspension.** A department head may, for cause in accordance with 3.115(19A), suspend any employee for such length of time as it considers appropriate but not to exceed 10 days at any one time or 20 days in any 12-month period. The department head will inform the affected employee of the suspension and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the suspension will be sent by the department to the resident director and will be maintained in the employee's personal file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or to a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure.

**3.116(2) Reduction of pay within grade.** A department head may, for cause in accordance with 3.115(19A), reduce the pay of an employee to a lower step within the pay grade assigned to the class of position. The department head will notify the affected employee of the reduction, the reasons therefor and the duration thereof, in writing within 24 hours of the time the action is taken. A copy of the reduction notice will be sent by the department to the resident director and will be maintained in the employee's personal file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure.

**3.116(3) Demotion.** A department head may, for cause in accordance with 3.115(19A), demote an employee to a vacant position in a lower class provided the employee meets the qualifications for that lower class. The department head will notify the affected employee of the demotion and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of demotion will be sent by the department to the resident director and will be maintained in the employee's personal file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, the employees may pursue their appeal in accordance with the grievance procedure.

**3.116(4) Discharge.** A department head may, for cause in accordance with 3.115(19A), discharge any employee. The department head will notify the affected employee of the discharge and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of discharge will be sent by the department to the resident director and will be maintained in the employee's personal file. Employees may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, employees may pursue their appeal in accordance with the grievance procedure.

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**681—3.117 to 3.126** Reserved.

## GRIEVANCES AND APPEALS

**681—3.127(19A) Reviews of position classification.** Permanent employees and department heads may request a position classification review and such requests shall be in written form. The employee's request will be forwarded to the resident director with a recommendation from the department head within 10 working days of the date of the request. The resident director shall review the employee's and department head's request and with a recommendation forward the request to the merit system director within 20 working days. The merit system director shall review and respond within 20 working days to the resident director who will inform the employee and department head. If the employee or department head is not satisfied with the merit system director's decision, that person may appeal the decision in writing within 15 working days of the merit system director's decision to a qualified classification appeal committee appointed in accordance with the procedures approved by the board of regents.

The classification appeal committee will conduct such investigation as it deems necessary to determine the proper allocation of the position, and will notify the involved parties of its decision within 45 calendar days after the committee receives the appeal. Any further requests for review of the same position must be presented to the resident director in compliance with this rule and will be considered a new classification review. A new classification review will not be allowed for one year following the final decision on a request for review unless there have been substantial changes in the duties and responsibilities of the position. An appeal will be considered on the basis of duties and responsibilities assigned at the time of the original classification review, and in no case will the assignment of additional duties and responsibilities following the resident director's investigation of the original request for review be considered during the process of appeal as outlined above.

This rule is intended to implement Iowa Code section 19A.9.

**681—3.128(19A) Appeals on application, examination and certification procedures.** Applicants may appeal an action which they allege to be in violation of these rules concerning applications, examinations or certifications. The aggrieved applicant will first discuss the matter with the resident director and, if not satisfied with the explanation and decision given, may within 20 days after the occurrence of the alleged violation file a written appeal with the resident director at Step 3 of the grievance procedure provided in 3.129(19A), or at a comparable step of a procedure approved under 3.129(1). If the applicant is not satisfied with the decision rendered at that step the applicant may pursue the appeal in accordance with the grievance procedure. If the grievance concerns the form or content of the application or an examination as approved by the merit system director, the director will act jointly with the resident director and at subsequent steps in response to an appeal.

Appeals by applicants alleging improper discrimination on the basis of political or religious opinions or affiliations, or national origin, race, sex, disability or age in selection, will be filed at Step 3 in the grievance procedure provided in 3.129(19A) or at a comparable step of a procedure approved under 3.129(1).

This rule is intended to implement Iowa Code sections 19A.1, 19A.9, and 19A.18.

**681—3.129(19A) Grievances.** Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of these merit system rules (other than disputes whose resolution is provided for in 3.127(19A) and 3.128(19A)) will be resolved in accordance with the following procedure, except at institutions where a varied procedure has been approved by the merit system director in accordance with 3.129(1). Employees in an initial probationary period will be allowed access to the grievance procedure with the right to appeal in writing at steps within the institution. The institutional representative may permit an oral presentation at any step if the institutional representative deems one necessary. At each step of the grievance procedure, the employee may be represented by one or two persons of the employee's choosing. The name of such representatives will be noted on the written grievance and on each subsequent appeal. Presentations, reviews, investigations, and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof.

If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision will become final. If an institutional representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.

*Step 1.* Dissatisfied employees will first discuss their problem with their immediate supervisor. It is presumed that the majority of disputes, complaints, or misunderstandings will be resolved at this point. If the employee is still dissatisfied after such discussion, the employee may within ten days after the occurrence of the matter leading to the grievance or within ten days after such time that the employee has, or could reasonably be expected to have, knowledge of such occurrence, file a written grievance with the employee's immediate supervisor. A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It will specify the institutional or merit system rule which has allegedly been violated and will state the corrective action desired by the employee. The supervisor will review the grievance with the employee and will transmit the supervisor's decision to the employee in writing within five days after receiving the grievance.

*Step 2.* If the employee is not satisfied with the decision of the supervisor, the employee may within five days after receiving that decision appeal it to the department head. Such an appeal will be in writing and will contain all of the information included in the initial grievance, the decision of the supervisor, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee. The department head will investigate the grievance and will give the employee or a representative of the employee's choosing the right to present the employee's case orally. The department head may affirm, reverse, or modify the supervisor's decision and will notify the employee of the decision in writing within ten days after receiving the appeal.

*Step 3.* If the employee is not satisfied with the decision of the department head, the employee may within five days after receiving that decision, appeal it to the dean of the college or the head of the major operating division in which employed. The dean or the division head and the resident director or designee(s) will jointly represent the institution at this step of the appeal procedure. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all the decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The dean of the college or head of the division and the resident director or designee(s) will investigate the grievance and will give the employee or a representative of the employee's choosing the right to present the employee's case orally. The institutional representatives may affirm, reverse, or modify the decision of the department head, and will notify the employee of their decision in writing within ten days after receiving the appeal.

*Step 4.* If the employee is not satisfied with the decision rendered at Step 3 of the grievance procedure, the employee may within five days after receiving that decision appeal it to the chief administrator of the institution. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The chief administrator or the chief administrator's designee will investigate the grievance and will give the employee the right to present the employee's case orally. The chief administrator may affirm, reverse, or modify the decision rendered at Step 3 and will notify the employee of the administrator's decision in writing within ten days after receiving the appeal.

*Step 5.* Employees not satisfied with the decision rendered under Step 4 may within five days after receiving that decision request a hearing before an arbitrator. Such a request will be in writing, will include all of the information included in the initial grievance and subsequent appeals, all of the decisions related thereto, and any other pertinent information the employee may wish to submit.

The appeal will be signed and dated by the employee and will be directed to the merit system director who will arrange for a hearing before an arbitrator as prescribed under 3.129(2). The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.

The merit system director shall have the right to rule whether a case is grievable and arbitrable under the merit system. The merit system director shall have the right to refuse to refer to arbitration any grievance not found to be in full compliance with these rules involving the grievance procedure. The board of regents shall retain jurisdiction to review decisions of the merit director as to whether a matter is grievable or arbitrable upon appeal by an employee.

**3.129(1) *Institutional grievance procedure.*** An institution may develop a grievance procedure for all or a segment of its employees that varies from the procedure prescribed in 3.129(19A), provided that such a procedure begins with discussion between the employee and the employee's immediate supervisor and provides for a final hearing in accordance with Step 5 of the grievance procedure prescribed herein. Such an institutional procedure will incorporate all the rights provided employees in this chapter, will be made known to the employees to whom it applies, and must be approved by the merit system director. In the absence of an approved institutional procedure, 3.129(19A) will apply.

**3.129(2) *Appeals.*** The board of regents will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service with a preference for those Iowans so certified.

The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.

The arbitrator will establish procedures for the conduct of the hearing in a fair and informal manner that will afford each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the board of regents within the prescribed time.

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**681—3.130 to 3.139** Reserved.

## VACATIONS AND LEAVES OF ABSENCE

**681—3.140(19A) Attendance.** Employing departments will establish work schedules and other regulations regarding attendance that they deem necessary in accordance with these rules and the policy and rules of their institution, and such schedules and rules will be made known to affected employees.

**681—3.141(19A) Vacations.** Permanent and probationary employees will accrue and take vacations as provided by law. Employees will be entitled to take only that vacation time which they have accrued and while employee preferences will be given major consideration, employing departments will have final authority to schedule vacations.

Permanent and probationary part-time employees will accrue vacation in an amount equivalent to their fractional employment. An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated vacation time as a result thereof.

**681—3.142(19A) Holidays.** Permanent and probationary employees will be granted holidays approved by the board of regents.

**681—3.143(19A) Medically related disability leave.** Permanent and probationary employees will accrue medically related disability leave as provided by law and will be entitled to such leave on presentation of satisfactory evidence of medically related disability. Permanent part-time employees will accrue medically related disability leave in an amount equivalent to their fractional employment, and no employees will be granted medically related disability leave in excess of their accumulation.

An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated medically related disability leave as a result thereof.

Permanent employees who are still incapacitated after exhausting all accumulated medically related disability leave and vacation time will, at their request, be placed on the reemployment lists for the class of position they previously occupied and on reemployment lists for lower level classes for which qualified, when employees are able and qualified to return to work. Such employee acceptance of reemployment in a lower class will not affect their standing on the reemployment list for the class that the employee formerly occupied.

**681—3.144(19A) Military leave.** Permanent and probationary employees will be granted military leave as provided by law, with pay not to exceed 30 calendar days in any 12-month period.

**681—3.145(19A) Family leave.** Eligible employees will be granted family leave in accordance with federal law and board of regents and institutional policies and procedures.

**681—3.146(19A) Court and jury service.** When, in obedience to the subpoena or direction by proper authority, employees appear as witnesses or serve as members of juries in any public or private litigation, they will be entitled to their regular compensation provided they surrender to their employing institution any pay they receive, other than reimbursement for travel or personal expenses, for such service.

**681—3.147(19A) Voting leave.** Any person entitled to vote in a public election is entitled to time off from work with pay on any public election day for a period not to exceed two hours in length. Application for time off for voting should be made to the employee's supervisor prior to election day. The time to be taken off may be designated by the supervisor. Time off for voting may be granted only if the employee's working hours do not allow a three-hour period outside of working hours during which the polls are open.

**681—3.148(19A) Emergency and funeral leave.** An employing department will, when satisfied by evidence presented, grant an employee time off with pay:

1. Not to exceed three days for each occurrence in the case of death in the employee's immediate family;
2. Not to exceed one day for each occurrence for service as a pallbearer at the funeral of a person not a member of the employee's immediate family; and
3. Not to exceed five days a year for the temporary emergency care of ill or injured members of the employee's immediate family for the time necessary to permit the employee to make other arrangements.

All such time off will be charged to the employee's accrued medically related disability leave and will not be granted in excess of the employee's accrued leave. For the purpose of this rule, immediate family is defined as and limited to spouse, children (and their spouses), parents, grandparents, grandchildren, foster children (and their spouses), brothers (and their spouses), sisters (and their spouses) of the employee or spouse; aunts and uncles of the employee; or other relatives residing in the employee's immediate household.

**681—3.149(19A) Leave of absence without pay.** In the best interests of the institution and its employees and with approval of the resident director, a department head may grant an employee's requests for a leave of absence without pay for up to one year. With the same approval, such a leave may be extended for no more than one additional year.

On conclusion of a leave of absence without pay, employees, if qualified, will be returned to the position from which they were granted leave or to another position in the same class. If such a position no longer exists, the layoff provisions of these rules will take effect.

**681—3.150(19A) Election leave.** Employees who become candidates for public office will be granted election leaves as provided by law.

**681—3.151(19A) Disaster service volunteer leave.** Subject to the approval of the appointing authority, an employee who is a certified disaster service volunteer for the American Red Cross may, at the request of the American Red Cross, be granted leave with pay to participate in disaster relief services relating to a disaster in the state of Iowa. Such leave shall be only for hours regularly scheduled to work and shall not be for more than 15 workdays in a fiscal year. Employees granted such leave shall not lose any rights or benefits of employment while on such leave. An employee while on leave under this rule shall not be deemed to be an employee of the state for purposes of workers' compensation or for the purposes of the Iowa tort claims Act.

This rule is intended to implement Iowa Code sections 19A.9 and 262.9(2).

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